

January 30, 2018

By Electronic Filing

Re: AT&T Mobility Spectrum LLC and Fibertower Corporation Seek FCC Consent to the Transfer

Of Control of 24 GHz and 39 GHz Licenses.

(ULS File Nos. 0007652635 and 0007652637)

Supplemental Comments:

I am respectfully submitting this brief comment to express my concerns regarding the pending "Settlement Agreement" dated January 24th 2018 (DA/FCC: DA-18-78).¹ In short, the settlement appears to outline a path to return FiberTower Corporation its remanded licenses; amongst other things, but also specifically that "AT&T is acquiring of all the outstanding shares of capital of FiberTower Corporation, the ultimate parent company of the company, evidenced by those certain applications for transfer of control originally filed with the bureau".

My concerns are specifically only with the unknown portions of the "Transaction". The settlement provides a guideline, but does not yet include any detailed information regarding AT&T's purchase price and the financial terms of compensation for FiberTower Corporation's shareholders. The agreement sternly reiterates the finality of this settlement being attached to a "non-appealable closing" of FiberTower's (open) bankruptcy case, but gives a very small amount of time for shareholders to legally contest such matters, should the settlement be unfair.

¹ https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0126/DA-18-78A4.pdf

Hypothetically speaking, “Reorganized FiberTower” could *possibly* influence the unknown specifics of the sales agreement as leverage, to unfairly justify an unbalanced distribution from the settlement agreement. As “Reorganized FiberTower” pointed out, FiberTower’s (open) Bankruptcy “ended” 3 years ago, however the statute of limitations on certain frauds (intentional or not) extends further than that. The backbone of “Reorganized FiberTower’s” de facto leverage stems directly benefiting from the valuation fraudulently constructed in FiberTower Corporation’s reorganization plan. If Fibertower Corporation’s scarce 5G spectrum (valued at \$0.00 & 1-2 million dollars) had not been undeniably undervalued in cases, shareholders would be reaping 100% of FiberTower Corporation’s sale to AT&T. There are thousands of crafty bankers and lawyers, but no more meaningful amount of “5G” millimeter wave spectrum available in the United States; FiberTower Corporation and its shareholders are indispensable, *not the other way around*; and there are hundreds of thousands of bankers and lawyers willing to defend that. With “Net Neutrality” recently being repealed FiberTower’s licenses are only substantially more valuable. Not to say that I do not believe certain actions, expenses and professionals were not needed in FiberTower’s cases to facilitate the sale to AT&T, but I do not believe the Judge’s intentions were to *possibly* improperly position a disproportionate amount of value to FiberTower’s debt holders. In Fact the sole purpose of the injunction order was the total opposite, to protect the shareholders interest in FiberTower Corporation and the valuable spectrum it owns.

To conclude, my request is simple. I am respectfully appealing AT&T to ensure that the proposed "Settlement Agreement" is fair to all parties. The "Settlement Agreement" is demanding of a permanent closure of FiberTower Corporation cases and shareholders waive all rights to an appeal. While I agree, a quick and final closure to FiberTower Corporation cases is best for all parties and Americas race to 5G, shareholders now need unduly worry if they will be taken advantage of (again) incase of an unfair settlement. No matter how the proceeds flow, AT&T will pay the same price to acquire FiberTower Corporation from its rightful owners. I respectfully ask AT&T to be arbiter, ensuring the sale proceeds in relation to the Settlement Agreement "Transaction" flows correctly to FiberTowers Corporation shareholders. When this case is examined in the future, hopefully AT&T as well as the FCC will fall on the right side of truth and justice in history.

Respectfully submitted

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